

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
CASE NO. 22-cv-24022-BB**

DONGGUAN TESMAI ELECTRONIC
TECHNOLOGY CO., LTD,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS IDENTIFIED
ON SCHEDULE "A",

Defendants.

MOTION FOR CLERK'S ENTRY OF DEFAULT

Plaintiff, DONGGUAN TESMAI ELECTRONIC TECHNOLOGY CO, LTD (hereinafter referred to as "Plaintiff"), by and through its undersigned counsel, hereby requests that the Clerk enter default in this matter against Defendants, the Individuals, Partnerships and Unincorporated Associations as identified on Schedule "A" enclosed herewith (collectively "Defendants¹") on the ground that Defendants have failed to appear or otherwise respond to the Complaint within the time prescribed by the Federal Rules of Civil Procedure. *See* Declaration of Humberto Rubio in Support of Plaintiff's Motion for Clerk's Entry of Default ("Rubio Decl.") at ¶ 7, enclosed herewith.

On January 19, 2023, Defendants were served with their respective Summons and copies of the Complaint via website posting pursuant to the Court's Order authorizing alternate

¹ At this time Plaintiff is **not** seeking entry of a default against the Defendants who have been dismissed or who have been granted an extension of time by Plaintiff or by this Court. Therefore, Schedule A enclosed herewith, excludes these Defendants against which a default is not being sought at this time.

service of process. (Rubio Decl. at ¶ 4; *see also* ECF No. 30 and 52, Proof of Service on file with the Court reflecting that Defendants were served). On January 19, 2023, Defendants were also served via electronic mail (“e-mail”). Neither Plaintiff nor the Court has granted the Defendants an extension of time to respond to the Complaint. (*Id.* at ¶ 6.) Defendants have failed to answer or otherwise respond to the Complaint, or serve a copy of any Answer or other response upon Plaintiff’s attorneys of record. (*Id.* at ¶ 7.) Plaintiff is informed and believes that none of the Defendants could be considered infants or incompetent persons. (*Id.* at ¶ 8.) Plaintiff is informed and believes that the Servicemembers Civil Relief Act does not apply. (*Id.*) As required by Court order dated February 13, 2022 (ECF No. 38)(“Court Order ECF. No. 38”), the Plaintiff served Court Order ECF No. 38 upon Defendants. (*Id.* at ¶ 9.)

WHEREFORE, Plaintiff, DONGGUAN TESMAI ELECTRONIC TECHNOLOGY CO, LTD, hereby requests that default be entered against Defendants, the Individuals, Partnerships and Unincorporated Associations as identified on Schedule “A” hereto.

Respectfully submitted on this 27th day of February, 2023.

LAW FIRM OF RUBIO & ASSOCIATES, P.A.
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By:/s/ Humberto Rubio
Humberto Rubio, Jr., Esq.
Florida Bar No. 36433
Felipe Rubio, Esq.
Florida Bar No. 123059

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2023 I caused to be served a true and correct copy of the foregoing Plaintiffs' Motion for Entry of Clerk's Default electronically using CM/ECF, which served a true and correct copy to all counsel or parties of record as well as the parties identified on Schedule 'A', including the addresses identified therein. I hereby also certify, that ECF No. 38 was served on all Defendants on those same addresses.

Law Firm of Rubio & Associates, PA

By: /s/ Humberto Rubio
Humberto Rubio, Jr.